



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,485	03/01/2004	Akihisa Shouen	826.1933	7539

21171 7590 12/12/2006

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

HSU, JONI

ART UNIT	PAPER NUMBER
----------	--------------

2628

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/788,485

Applicant(s)

SHOUEH, AKIHISA

Examiner

Joni Hsu

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on September 22, 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 22, 2006 has been entered.

Response to Amendment

2. Applicant's arguments with respect to claims 1 and 3-13 have been considered but are moot in view of the new ground(s) of rejection.

3. Applicant's arguments, see pages 7-8, filed June 22, 2006, with respect to the rejection(s) of claim(s) 1 and 3-13 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Schauser (US006331855B1) and Gore (US005128878A).

4. With regard to the independent claims, Applicant argues that Davis (US006381343B1) does not teach extracting only a display result to be displayed (page 5). Rohrabough (US 2005/0132286A1) teaches that the entire original image is transmitted to the client, and the client

does the processing to fit the extracted portion to the client display. In contrast, the present invention has a server that extracts data from the original that is to be displayed and transmits the extracted portion. In further contrast, it is the server, not the client, that does the processing to fit the extracted portion to the client display (page 7).

In reply, the Examiner agrees. However, new grounds of rejection are made in view of Schauser.

5. With regard to Claim 3, Applicant argues that Rohrbaugh teaches vector data, and vector data is not a type of data that would be visually recognizable as original image data as vector data images are images that are completely described using mathematical definitions (page 8, paragraph 4).

In reply, the Examiner agrees. However, new grounds of rejection are made in view of Schauser.

6. With regard to new Claims 14 and 15, Applicant argues that these new claims distinguishes over the prior art for the reasons discussed above (page 8, paragraph 5).

In reply, the Examiner agrees that the new claims are not taught by the previously cited prior art. However, new grounds of rejection are made in view of Gore.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 6-9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

9. Claim 6 recites storage medium storing a program used to direct a computer. The claimed storage medium is not necessarily a computer readable medium. There is no clear structural and functional interrelationship between the program and the rest of the computer to permit the program's functionality to be realized. Claim 6 is, thus, non-statutory.

Claims 7-9 are non-statutory for the same reasons discussed above.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 14 and 15 rejected under 35 U.S.C. 102(b) as being anticipated by Gore (US005128878A).

12. With regard to Claim 14, Gore discloses a display method, comprising allowing a user to designate a portion of an image stored by a server; extracting, by the server, the designated portion; and transmitting the designated portion to a client for display thereon (*User selects the Rplot command. The size of the plot is obtained according to the size of the current viewport on the workstation display, and the current magnification value of the viewport. The viewport is that portion of normalized device coordinate space currently displayed on the client workstation. This value can be anything from the entire contents of the data file down to the maximum allowed magnification. The output plot represents the visible portion of the data file currently displayed on the client workstation at the creation time of the design file plot template, Col. 7, line 56-Col. 8, line 29; user runs a program, called a client program on a client workstation, server converts the request and arguments into a locally useful form runs the requested service, packages the results, and sends them back to the client, Col. 6, lines 12-32, rplot 360 creates a design file plot template which contains a "pointer" to reference the actual data of design file 320 stored in design file database 325 in the file server, Col. 6, lines 47-68).*

13. With regard to Claim 15, Gore discloses a display method, comprising allowing a user to designate a portion of an image stored by a server for display by a client; extracting and resizing, by the server, the designated portion for display by the client; and transmitting the designated resized portion to a client for display thereon (Col. 7, line 56-Col. 8, line 29; Col. 6, lines 12-32, 47-68).

14. Thus, it reasonably appears that Gore describes or discloses every element of Claims 14 and 15 and therefore anticipates the claims subject.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

17. Claims 1, 3, 6, 7, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schauser (US006331855B1) in view of Gore (US005128878A).

18. With regard to Claims 1, 6, and 10, Schauser discloses a display processing apparatus which converts generated original server (2, Figure 1A) image data and transmits the converted data to a client display device (4), comprising a server extraction unit extracting only a display

result to be displayed on the client display device as a display data from the original image data by determining the dimensions of the display data to be transmitted; and a transmission unit (6) transmitting the client display data to the display device (*graphics output is captured as a bitmap on the server and then transported to the client computer*, Col. 1, lines 43-51; *upon detection of changes to the desktop 8 of the source processing system 2, the source processing system 2 forwards the detected changes to the remote processing system 4 via the communication of transportation medium 6*, Col. 3, line 57-Col. 4, line 6; *CPU 12 may poll a number of subregions of the screen, to determine if a change has occurred, compares a portion of the currently displayed image to a corresponding portion of a previously displayed image to determine if changes have occurred, if so, the changes are forwarded to the remote computer 4*, Col. 5, lines 6-24; *CPU 12 determines the exact extent of the change, examine a predetermined number of pixels surrounding the detected change, for example, 20 pixels to the left, right, top and bottom of the detected change, the detected changes are then communicated to the remote processing system 4*, Col. 6, lines 22-42).

However, Schauser does not teach determining a display region with vertical-to-horizontal length ratios and corner coordinate rounding calculations for a designated display. However, Gore discloses a server extraction unit extracting only a display result to be displayed on the client display device as display data from the original image data by determining a display region with vertical-to-horizontal length ratios and corner coordinate rounding calculations for a designated display area of the client display device (Col. 7, line 56-Col. 8, line 29; *if these new values are outside a legal range, creating a skewed aspect ratio, the system automatically adjusts the plot size in the x or y direction as appropriate*, Col. 8, lines 57-68).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify the device of Schauser to include determining a display region with vertical-to-horizontal length ratios and corner coordinate rounding calculations for a designated display as suggested by Gore because Gore suggests the advantage of ensuring that the extracted display data can be displayed correctly on the client display device (Col. 8, lines 57-68).

19. With regard to Claims 3, 7, and 11, Schauser discloses that the display data is visually recognizable data from the original image data (Col. 5, lines 6-24).

20. Claims 4, 5, 8, 9, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schauser (US006331855B1) and Gore (US005128878A) in view of U.S. Patent No. 6,246,421 to Omori.

21. Regarding claims 4, 8 and 12, Schauser and Gore are relied upon for the teachings as discussed above relative to Claim 1. Schauser discloses extracting pixel data (Col. 5, lines 6-24).

However, Schauser and Gore **do not disclose** graphics data namely the digital image being processed and transmitted to be a three-dimensional graphics. Omori **discloses** geometry computing section 4 implementing such processes as coordinate transformation, clipping and the like for polygon rendering data (col. 3, lines 10-51). Therefore, it would have been obvious to a person of ordinary skill in the art at the time invention was made to modify the devices of Schauser-Gore to handle Omori's three-dimensional graphics image data as well **because it**

Art Unit: 2628

reduces the bandwidth required for transmitting three-dimensional graphics data to a remote location thus reducing costs.

22. Regarding claims 5, 9 and 13, Schauser-Gore combination **does not disclose** division of the original image data into a plurality of areas, and allowing a plurality of independent process units to process the areas, thereby performing extracting processes in parallel. Omori **discloses** dividing a two-dimensional image coordinate system into areas each composed of a plurality of pixels (NxM pixels in total)(col. 2, lines 4-50) and allocating NxM circuits respectively to the NxM pixels contained in that area, which results in time required for rendering to be shortened. Therefore, it would have been obvious to a person of ordinary skill in the art at the time invention was made to modify the device as taught by Schauser-Gore combination with the feature "plural rendering circuits for plurality of areas performing extracting processes in parallel" as taught by Omori **because** it would speed up graphics processing.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joni Hsu whose telephone number is 571-272-7785. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka Chauhan can be reached on 571-272-7782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2628

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JH


ULKA CHAUHAN
SUPERVISORY PATENT EXAMINER